



Hayes Township resident LuAnne Kozma continues to lead the charge against the Law family's large Lake Charlevoix waterfront development. ANNIE DOYLE/CHARLEVOIX COURIER

Contentious battle over Lake Charlevoix development continues

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CHARLEVOIX — One neighbor's efforts to prevent a large waterfront development on Lake Charlevoix continue to bring regional attention to the plight of shoreline conservation efforts.

For over a year, Hayes Township resident LuAnne Kozma has spearheaded efforts to stop a boathouse development that proposes to build a two-story boathouse, excavate for a 120x90 foot boat basin and a 30x55 foot boat channel leading from Lake Charlevoix to the boat basin. Plans also call for the dredging out of a 73-foot-wide channel 130 feet out into the lakebed of Lake Charlevoix to accommodate large boats.

Efforts to stop this project include tackling current Hayes Township officials' interpretation of the zoning ordi-

nance and lack of transparency. Township officials gave Scott and Debra Law at 10034 Anglers Cove conditional approval of the project in 2019, but it wasn't until more recently that township residents were made aware of the proposed development.

According to an email from Kozma, "The channel would rip out a 30 foot wide by 50 foot deep section of the land closest to the shoreline, called the Shoreland Protection Strip, which is written into the Hayes Township zoning ordinance as land that must be maintained in a vegetated state in order to protect Lake Charlevoix's water quality."

The purpose of the required strip of land, according to the zoning ordinance, is to prevent soil erosion, provide a filter for the removal of pesticides, fertilizers and other potential water pollutants, and to maintain a visual barrier.

"Hayes Township's zoning ordinance protects Lake Charlevoix's shoreland strip. Yet, Hayes Township officials violated the ordinance by approving a proposed boathouse-basin-channel project by waterfront property owners Scott and Debra Law on Anglers Cove," Kozma said.

To date, Kozma and two other residents have filed two separate cases with the township's zoning board of appeals. Both cases have not yet been heard by the ZBA.

When asked to comment, township officials declined, citing the ongoing lawsuit.

According to Kozma, the township has made a few attempts to address the cases but for a variety of reasons, such as a lack of quorum, the hearings were postponed. In the latest attempt, the

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public hearings were scheduled for April.

"However they botched the public notices for them, violating state law again, and even argued in their court papers that they didn't have to provide public notice for the public hearings," said Kozma.

"It's not only required, but there's case law that says that if you don't publicly notice properly, any ZBA decision would be invalidated," she added. "I'm not sure why the township would do such an obviously-illegal thing, except as a delay tactic so that the federal government permit might get issued before the ZBA decides the cases."

Kozma has since filed additional exhibits in both ZBA cases, including emails from Tip of the Mitt Watershed Council and EGLE (the Michigan Department of Environment, Great Lakes, and Energy) regarding how the Ordinary High Water Mark would change after uplands would be excavated to depths of bottomlands. The Little Traverse Bay Band of Odawa Indians also wrote a letter in March about the Ordinary High Water Mark.

However, Kozma claims the letter was not in the ZBA case files when she went to the township hall to examine the files on May 12.

"The township is withholding information from the files and from me, and possibly the ZBA members and that is

not right. They were going to hold those improperly-noticed public hearings without me or the public even seeing that document ahead of time," said Kozma.

In March, Kozma sued the township back for not publicly noticing the two ZBA hearings as the state law requires and for keeping Planning Commission member Roy Griffiths on the ZBA. Roy Griffiths has since resigned from the ZBA and was recently reappointed to the Planning Commission.

Kozma has a second lawsuit that is pending.

"My current lawsuit is against the township board of trustees, because they appoint the ZBA. I proposed a settlement agreement that the township simply follow the law and do the public notices properly, start the hearings anew as required, and agree that one ZBA member, Doug Kuebler, cannot hear either case because he previously voted to approve the Law boat basin, as Roy Griffiths had, while Kuebler was on Planning Commission. State law prohibits anyone on a planning commission from deciding a ZBA case on 'the same matter.' So far the township has not responded and it's been over a week. They don't seem interested in moving ZBA hearings forward for my two cases," Kozma said.

Kozma has posted signs reading "Protect the Lake" along Boyne City Road and spoken to several local news outlets.

She has been the campaign director at Committee to Ban Fracking in Michigan since 2012, according to her LinkedIn profile.